

GOVERNMENT ACCOUNTABILITY PROJECT

MIDWEST OFFICE

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September 16, 1987

APPEAL OF INITIAL FOIA DECISION

87A79E(87-429)

Rec'd 9-22-87

Victor Stello
Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

RE: Appeal of FOIA 87-429

Dear Mr. Stello,

This is an appeal pursuant to subsection a(6) of the Freedom of Information Act as amended (5 U.S.C. 552), of the actual denial of the commission to release documents requested on July 1, 1987 by the Government Accountability Project.

By letter dated 9/10/87, Donnie H. Grimsley, Director of the Division of Rules and Records, informed us that Appendix C is being withheld from disclosure in their entirety pursuant to FOIA Exemption 5 because the information consists of interagency & intraagency records not available through discovery during litigation, disclosure of which would inhibit open and frank exchange of ideas needed for deliberate process.

We believe we are entitled to the release of the documents being withheld.

We expect your response to this appeal within 20 working days of your receipt so that we can determine whether to pursue this matter further in the courts.

Thank you for your consideration of this appeal.

Sincerely,

Linda Bauman

Linda Bauman
Legal Assistant

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PDR FOIA
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